

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 19**

RENTON COIL SPRING CO.<sup>1</sup>

Employer

and

Case 19-RC-13955

INTERNATIONAL ASSOCIATION OF  
MACHINISTS & AEROSPACE WORKERS,  
DISTRICT LODGE 160, AFL-CIO

Petitioner

**DECISION AND DIRECTION OF ELECTION**

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board, hereinafter referred to as the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record<sup>2</sup> in this proceeding, the undersigned finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.

3. The labor organization involved claims to represent certain employees of the Employer.

4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

5. The following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act:

All production and maintenance employees, quality control inspectors, and shipping and receiving employees employed by the Employer at its Renton, Washington, facility; but excluding all office clerical employees, the bookkeeper, professional employees, sales and customer service employees, and guards and supervisors as defined by the Act.

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<sup>1</sup> The Employer's name appears as corrected at hearing.

<sup>2</sup> The parties filed briefs, which have been considered.

The Employer is engaged in the manufacture of coil springs, primarily for the aerospace industry, and sheet metal parts, at a facility in Renton, Washington. Petitioner seeks a unit of all production and maintenance employees. The Employer agrees that such unit is an appropriate unit, but contends that quality control employees are statutory supervisors, or, in the alternative, are technical employees who should be excluded from the Unit; that shipping and receiving employees are technical employees who should be excluded from the Unit; and that the shop clerical is a confidential employee, and otherwise does not share a community of interest with the production employees.

The Employer's manufacturing facility has two sides: steel and titanium. Different processes are used with each of those materials; coil springs are made from both. The Employer manufactures about 12 different types of springs, including compression, extension, torsion, flat springs, beam cantilevers, washers, spiral torsion, power, and clock springs. Its springs are used in aerospace in flight controls, hydraulics, gear uplocks and downlocks, mechanical systems, and safety devices. Its main customer in this regard is the Boeing Company; the Employer also manufactures springs for Airbus and other international companies.

The record is replete with detailed testimony regarding the production process. The springs are not standardized, but are manufactured to order in accordance with the specifications of the individual customer. Generally, the first step in the manufacturing process is coiling steel or titanium wire into a spring. The spring then proceeds through other processes, such as grinding and milling, and is heat treated. At each step, the spring must conform to the customer's specifications. Customers provide drawings or blueprints along with written specifications. Each step in the process must be fully documented.

In its manufacturing processes, the Employer complies with ISO 9001, an established international standard for quality control and record keeping which provides for traceability and repeatability of each step of the manufacturing process. Individual customers have further documentation requirements which the Employer must meet.

The Employer is under the over-all management of Charles Pepka. Reporting directly to Pepka are Andy Knebel, vice president of production and research and development; Darrell Clark, vice president of operations, engineering, and sales; Lynda Tanner, in human resources, and Pat Carney, controller. Reporting to Clark are production manager John Puccella; quality assurance manager Paul Churchill; sales and engineering manager Bob Newberry; and Mike McDermott in purchasing. Reporting jointly to Clark and Puccella is Todd Lantz, production foreman. The record reflects that the parties are in agreement that Pepka, Knebel, Clark, Tanner, Carney, and Lantz are supervisors within the meaning of the Act, or are otherwise managerial employees excluded from the unit.<sup>3</sup>

Production and maintenance employees include machine operators/coilers, grinders, finishers, oven operators, and a truck driver. In addition, the disputed employees herein include quality control

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<sup>3</sup> At hearing, the parties entered into a stipulation proposed by the hearing officer that all individuals named on the organization chart which is Employer's Exhibit 1, except assistant foreman Jeb Irwin and the production personnel listed below him, are statutory supervisors or managerial employees. I decline to accept such stipulation, inasmuch as it is over-broad in that it includes the quality control employees at issue herein, and it is clear that by entering into such stipulation Petitioner was not conceding the supervisory status of those employees. Further, the stipulation also includes shipping employee Lynn Kesselbaum, engineering employees, and sales and customer service employees. The record does not support a stipulation that such employees are supervisors or managers, nor does it appear that the parties actually intended to stipulate that such employees, except perhaps with respect to Kesselbaum, hold such status.

inspectors, shipping and receiving employees, and one clerical. There are also engineering employees, stipulated by the parties to be excluded professionals, and four sales and customer service employees.

### ***Quality control employees.***

There are four quality control employees (QCs, herein): Jesse Lailac and Kurt Zwink in titanium, and Doug Meyers and Bob Lee in steel. They all report to QC Manager Churchill. Lailac and Zwink have desks in the titanium area; Meyers and Lee have desks in the steel area.<sup>4</sup> They all perform the same tasks. They spend most of their time at their desks, where they have computer terminals and various measuring and testing equipment. Production employees bring parts to them to be inspected.

During the initial production of a new part, a QC inspects the first part at each stage through the production process. Prior to material going to the coiler, the QC reviews the paperwork, including the blueprint for the part. At this stage, the QC may make changes in the planned process flow. Such changes can affect which operator on which machine is going to run the job. Throughout the production process, a QC tests such aspects as diameter and dimension, or to make changes in the process. For example, a QC may tell an operator to change the physical attributes of the spring in order to achieve the correct parameters. The QC helps to insure that there is no variation in the product from beginning through final shipment. The QC can temporarily halt production of a particular part, until correction of any faults is accomplished.

An Employer witness testified that if a machine operator has problems, a QC can “find a more experienced operator and have them run it.” There are no specific examples in the record of any QC independently assigning operators to jobs, and whether such would involve independent judgement. There is also testimony that if an employee is producing poor quality, the QC talks to production supervisor Lantz about the problem, and Lantz decides what corrective action will be taken.

A few years ago, when Knebel was the production supervisor, a QC informed him of problems with an employee who was skipping processes and producing parts with poor workmanship. Knebel consulted with the human resources department, investigated the employee’s work performance himself, and gave the employee written reprimands. Eventually, the employee was terminated.

A QC can stop an operator who is consistently running parts with scratches; the QC can tell the operator to remove the scratch. If the problem isn’t resolved to the QC’s satisfaction, then the QC reports the problem to the production supervisor, who would then talk to the operator. Discipline is determined by the production supervisor. There is no specific evidence that any QC has ever recommended discipline of an employee, and an Employer witness testified that QCs do not directly discipline employees. Lantz testified that, “I don’t just make snap judgments on exactly what the quality personnel has told me. It just doesn’t happen that way.”

The production employees report to Lantz, who gives them their work and shows them what to do. Lantz and Puccella together decide what things the QCs need to work on during any particular day in order to meet the production schedule. There is no evidence that any specific production employees report directly to any of the QCs.

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<sup>4</sup> Their “desks” are actually long tables, one in steel and one in titanium, on which each QC has a computer terminal and various tools and equipment they use in testing parts. Also on each table is a computer used by production employees. A production employee testified that he uses the computer in his area about ten times a day, and that he keeps information from individual jobs on it, so that he can refer to it for setting up the same job again in the future.

QC Doug Meyers is a former production employee, and up until about one week prior to the hearing spent 30 to 40% of his time doing set-ups, a production task. QC Kurt Zwink is also a former production employee, and spends three or four days a month doing production work. One of the duties of QCs is load testing, i.e., testing the load capacity of coil springs using a load tester. At times, one or another production employee performs load tests by placing springs individually in the load tester and then noting the resultant digital readout. Some production employees also perform single-dimension testing on their own work product.

QCs are hired by QC Manager Churchill. An AA degree is preferred. There is no specific evidence in the record regarding the educational background of the four QCs. Applicants are given math and blueprint reading tests, and a skills test for using dimensional measurement equipment. QCs receive 30 days of on-the-job training, and six to eight hours of classroom training. There is no evidence that QCs are certified by any outside entity. QCs are paid \$10.50 to \$22 per hour, while production employees start at \$9 and can also go up to \$22. QCs work the same hours as production employees, 6:00 a.m. to 4:30 p.m., four days a week. All employees receive the same benefits.

Section 2(11) of the Act defines a "supervisor" as:

. . .[A]ny individual having authority, in the interest of the Employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly direct them, or to adjust their grievances, or effectively recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

The QCs give minor directions to production employees regarding changes and adjustments in the production process in order to produce parts of the desired specifications and quality. Such directions are of the type typically given by more skilled employees to other employees, and do not amount to "responsible direction." For all that the record shows, they simply make measurements, and inform employees of defects. This may require measurement skills, but the decision making does not appear to require independent judgment – either the part meets the standard, or it does not. The record does not establish that QCs effectively recommend discipline. Indeed, there is no specific evidence that QCs make any recommendation at all concerning discipline, or any other labor relations input. It is very clear that production supervisor Lantz conducts his own independent investigation before determining any discipline of any employee. Moreover, there is no evidence that any specific employees report to QCs in the Employer's hierarchical organization. I conclude, therefore, that QCs are not supervisors within the meaning of the Act.

The Employer contends, in the alternative, that QCs are technical employees who lack a community of interest with the production employees. The Board defines technical employees as those who "do not meet the strict requirements of the term 'professional employee' as defined in the Act, but whose work is of a technical nature, involving the use of independent judgment and requiring the exercise of specialized training usually acquired in colleges or technical schools or through special courses." *Western Gear Corporation*, 160 NLRB 272 (1966).

Generally, the Board looks to evidence as to the educational background of the employees at issue in determining whether the work of such employees requires "the exercise of specialized training." Here, there is no specific evidence as to the educational background of the QCs, nor even any evidence that any particular educational background is required, other than testimony that an AA degree of some sort is "preferred." Nor does the record establish that the 30 days of on-the-job training plus a few hours

of classroom work given the QCs by the Employer amounts to the type of specialized training generally associated with technical employees. I conclude that on this record the QCs have not been shown to be technical employees.

Further, even if the QCs were clearly technical employees, such status alone is insufficient to preclude their inclusion in the Unit. The Board includes technical employees in a production and maintenance unit where such employees share a community of interest with the unit employees and where such inclusion is sought by the petitioning labor organization. Here, the QCs are hourly employees, work the same hours as production employees, are paid according to the same wage scale as production employees, work on the production floor, have frequent contacts with production employees, and are functionally integrated in the production process at every step. Two of the four QCs were regularly performing some production work prior to the hearing. Although the QCs report to Churchill, Lantz and Puccella also give them some direction. I conclude, therefore, that the QCs share a community of interest with the production employees.

The Employer also argues that inclusion of QCs in the production unit would present a conflict of interest. In this regard, an Employer witness testified generally that the Employer's customers want the QCs to be "autonomous to the degree that they are independently evaluating the work that is done within the company." The Board rejected a similar contention in *Bechtel, Inc.*, 225 NLRB 197 (1976), noting that the employer had a substantial degree of control over the work performance of the disputed inspectors, that there was no basis for presuming that representation of the inspection employees would result in an impairment of the performance of their duties, and that the employer had the means to correct any situation involving improper performance of an inspector. Here, the QCs work under the direct supervision of Churchill and, further, are in close contact with Lantz, and there is no evidence that they would overlook mistakes or insufficiencies out of loyalty to fellow employees any more than they do, or would be tempted to, overlook fellow employees' mistakes now. In addition, the Employer clearly has the means to correct any improper conduct on the part of any QC. This is not a situation where quality control is isolated physically and administratively from production. I conclude therefore that the record does not establish that a conflict of interest prevents the QCs from being included in the unit with production employees.

Therefore, I shall include the QCs in the unit.

### ***Shipping and receiving employees.***

There are three shipping and receiving employees: supervisor Lynn Kesselberg, Paula Fouraker, and Wayne Gillis. Kesselberg and Fouraker do shipping, while Gillis handles receiving. Shipping and receiving employees are required to have good reading skills, including blueprint reading, and to be able to be mindful of details. There is no evidence that they are required to have any special education other than on-the-job training. They have all been employed by the Employer for many years. They work five days a week, 7:00 a.m. to 3:30 p.m.

Gillis inspects raw materials when they arrive. He does a dimensional check on the material, makes sure it meets the specifications on purchase orders, and cross references that information with a set of standards to insure that the chemistry and tensile strengths are correct. If the material is acceptable, he sends it to the coilers or to the flat department, as appropriate. If he rejects the material, he reports this to the purchasing manager.

Kesselberg and Fouraker are responsible for assuring that all documentation as to the traceability of the production processes is present and meets customer specifications. The Employer has several hundred customers, and different customers have different specifications for the documentation. Errors in

such documentation can cause rejection of otherwise good parts by customers. Kesselberg and Fouraker are also responsible for putting parts in bags, making tags on a computer, attaching the appropriate tags to the bags of parts, and otherwise preparing the parts for shipment. During busy times, particularly the last two or three days at the end of the month, production employees assist with the bagging and tagging.

Kesselberg has the title “shipping supervisor.” She does annual reviews of employees, and can advise as to whether an employee should be given a raise. There are no specific examples of her having recommended raises for any employees, or the results of any such recommendations. She directs the day-to-day operations of the shipping area and reports to Puccella. There are no specific examples of her direction of the work of employees.

The Employer contends that shipping and receiving employees are technical employees who do not share a community of interest with the Unit, and that inclusion of the shipping and receiving employees in the unit would present a conflict of interest.

With respect to their status of as technical employees, there is no record evidence with respect to the educational backgrounds of such employees, or of any specific training they received from the Employer. Thus the record fails to establish that their work requires the type of specialized training generally associated with technical employees. Furthermore, the record lacks specific evidence that their work requires more than mere routine clerical judgment in assuring that all required documentation is complete. Thus, I conclude that the shipping and receiving employees are not technical employees.

Further, the shipping and receiving employees share a community of interest with production employees, in that they share common second level supervision, (if, indeed, Kesselberg is a statutory supervisor); are functionally integrated with the Unit employees; are sometimes assisted in their work by production employees, although only to a limited degree; and are hourly employees paid according to the same wage scale.

The Employer’s contention that inclusion of the shipping and receiving employees in the Unit would present a conflict of interest is wholly unsupported by the record.

Therefore, I shall include the shipping and receiving employees in the Unit.

With respect to Kesselbaum, who has the title “shipping supervisor,” as has been said above, it is unclear whether the parties intended to include her in their stipulation as to the supervisory status of various individuals. The record evidence is insufficient to establish that Kesselbaum is a statutory supervisor, inasmuch as there is no specific evidence that she effectively recommends promotion, or that she responsibly directs employees.

Therefore, I shall permit Kesselbaum to vote subject to challenge.

***Clerical*** employee.

Kathy Strand is a bookkeeper. She does accounts receivable and accounts payable, reporting to the controller, Pat Carney. She works in the upstairs office area. In handling accounts receivable, Strand sometimes has to research customer complaints regarding whether the customer received what was ordered. Such research requires Strand to go downstairs to the shipping area to look at the documentation that is kept there. In addition, Strand prepares invoices for customers. In doing so, she must refer to shipping documentation, so she goes to the shipping area and prepares the invoices there. For this purpose, she regularly visits the shipping area four times a day: at the beginning of her work day, after first break, after lunch, and after second break. The record is unclear as to how much of her time Strand

actually spends doing this work *in the shipping area* on a daily basis. At times, when she is not occupied with her own work, Strand assists the shipping employees with bagging and tagging parts, as needed.

Strand works from 7:00 a.m. to 3:30 p.m., Monday through Friday. She takes breaks and lunch at the same times as production employees, in the same breakroom. The record is unclear as to whether Strand has access to the Employer's general ledgers or payroll information. She does not do any work for the Employer's human resources area, nor does she serve as private secretary for Pepka. The record does not reveal which person or persons within the Employer's hierarchy deal with labor relations.

The Employer contends that Strand is a confidential employee, based on her purported access to "confidential" information. Further, the Employer contends that Strand lacks a community of interest with the production employees. Petitioner contends that Strand is a plant clerical who should be included in the Unit.

The Board considers a confidential employee to be one who assists and acts "in a confidential capacity to persons who formulate, determine, and effectuate management policies in the field of labor relations." *Bakersfield Californian*, 316 NLRB 1211, 1212 (1995); *B.F. Goodrich Company*, 115 NLRB 722 (1956). Mere access to payroll or other business information is insufficient to establish confidential status. *Bakersfield Californian*, supra. There is no evidence herein that Strand acts in any confidential capacity to anyone, and no evidence with respect to the person or persons in the Employer's organization who "formulate, determine, and effectuate management policies in the field of labor relations." Such evidence is necessary to a finding of confidential status. Therefore, I conclude that on this record Strand has not been shown to be a confidential employee.

Generally, the Board finds that clericals whose principal functions and duties are related to general office operations and are performed within the office itself are office clericals, who lack a close community of interest with a production unit, even if such clericals spend as much as 25 percent of their time in the production area and have daily contacts with production employees. *Mitchellace, Inc.*, 314 NLRB 536 (1994).

Here, Strand's primary responsibility, that of accounts receivable and accounts payable, is a typical general office function. Preparing invoices is a part of that general office function. She does not share first or second level supervision with the production employees; she is administratively attached to the office, not production. Unlike production employees, she has a work station on the second floor in the office area and works different hours. Her regular duties are not functionally integrated with the production process, but rather are associated with the Employer's financial matters. I conclude that Strand is an office clerical employee who lacks a community of interest with the unit and is therefore excluded.

#### ***Sales and Customer Service Employees.***

As noted above, there are four sales and customer service employees. By default, they are included in the stipulation discussed above in footnote 3. There is no specific evidence or contention that they are supervisors or managerial employees. However, no party contends that they should be included in the Unit. There is no evidence that they perform any production work or have any regular contacts or interchange with production employees. They report to sales and engineering manager Bob Newberry, who also supervises the professional engineering employees. Inasmuch as Petitioner is not specifically seeking to represent the sales and customer service employees, no party contends that they should be included in the Unit, and there is no evidence that they share a strong community of interest with Unit employees, I shall exclude them from the Unit.

There are approximately 38 employees in the Unit.

### **DIRECTION OF ELECTION**

An election by secret ballot shall be conducted by the undersigned among the employees in the unit found appropriate at the time and place set forth in the notice of election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the unit who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective bargaining purposes by INTERNATIONAL ASSOCIATION OF MACHINISTS and AEROSPACE WORKERS, DISTRICT LODGE 160, AFL-CIO.

### **NOTICE POSTING OBLIGATIONS**

According to Board Rules and Regulations, Section 103.20, Notices of Election must be posted in areas conspicuous to potential voters for a minimum of three working days prior to the date of election. Failure to follow the posting requirement may result in additional litigation should proper objections to the election be filed. Section 103.20(c) of the Board's Rules and Regulations requires an employer to notify the Board at least 5 full working days prior to 12:01 a.m. of the day of the election if it has not received copies of the election notice. *Club Demonstration Services*, 317 NLRB 349 (1995). Failure to do so estops employers from filing objections based on nonposting of the election notice.

### **LIST OF VOTERS**

In order to assure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses that may be used to communicate with them. *Excelsior Underwear*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Co.*, 394 U.S. 759 (1969). Accordingly, it is hereby directed that an election eligibility list, containing the full names and addresses of all the eligible voters, must be filed by the Employer with the Regional Director for Region 19 within 7 days of the date of this Decision and Direction of Election. *North Macon Health Care Facility*, 315 NLRB 359, 361 (1994). The list must be of sufficiently large type to be clearly legible. The Region shall, in turn, make the list available to all parties to the election.

In order to be timely filed, such list must be received in the Regional Office, 915 Second Avenue, 29<sup>th</sup> Floor, Seattle, Washington 98174, on or before May 25, 2000. No extension of time to file this list may be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the filing of such list. Failure to comply with this requirement shall be grounds for setting aside the election whenever proper objections are filed. The list may be submitted by facsimile transmission to (503) 326-5387. Since the list is to be made available to all parties to the election, please furnish a total of 4 copies, unless the list is submitted by facsimile, in which case only one copy need be submitted. To speed preliminary checking and the voting process itself, the names must be alphabetized.



**RIGHT TO REQUEST REVIEW**

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 - 14th Street N.W., Washington, D.C. 20570. This request must be received by the Board in Washington by June 1, 2000.

**DATED** at Seattle, Washington, this 18<sup>th</sup> day of May, 2000.

/s/ PAUL EGGERT

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